



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*610 Federal Plaza
Central Islip, New York 11722*

January 11, 2005

Electronically Filed

Honorable Arthur D. Spatt
United States District Judge
United States District Court
Long Island Federal Courthouse
834 Federal Plaza
Central Islip, New York 11722-4449

Re: *Doran v. United States,*
No. CV-05-5137 (Spatt, J.) (J. Orenstein, M.J.)

Dear Judge Spatt:

The undersigned writes on behalf of defendant in the above-referenced case to request a forty-day extension of time to answer or otherwise respond to the complaint. This action involves a negligence claim under the Federal Tort Claims Act for a slip and fall at a post office. The undersigned is awaiting the administrative record from the United States Postal Service. Accordingly, defendant respectfully requests an extension of the time to answer or respond from January 17, 2006, to February 27, 2006.¹

This is the United States' first request for an extension. Plaintiff's counsel, Guy Christopher Gruenberg, would consent to an extension only if the United States waived any jurisdictional defenses. The United States, however, cannot waive any jurisdictional defenses in this case; indeed, a preliminary assessment of this case reveals that there may be a defense on the grounds of lack of subject matter jurisdiction. Accordingly, because receipt of the administrative record is needed to properly respond to this complaint, including assess the merits of a motion to

¹ The undersigned will be out of the office during the week of February 13, 2006, thus the undersigned requests an extension of 40-days rather than 30-days.

dismiss for lack of subject matter jurisdiction, the United States respectfully requests that the Court grant it an extension of forty-days to respond.

Respectfully submitted,

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

By: /s/ Denise McGinn (electronically filed)
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